INVESTIGATIVE NARRATIVE

City of Lakewood
On Duty, Hit Shooting
02-28-04 (Saturday) 2026 Hours
File # 004-05787-1325-152

On Saturday, February 28, 2004, Sergeant Harris, Sergeant Key and Lieutenant Johnson of Internal Affairs Bureau responded to the City of Lakewood after being notified of a deputy involved shooting in which the subject had been shot.

Synopsis:

Deputies Thomas Vernola and Joseph Fleischmann are assigned to the Lakewood Special Assignment Team. They were working in conjunction with other team members in attempting to locate a wanted parolee who lived in the area. Deputies Vernola and Fleischmann were parked in their marked radio car on Fairman Street just east of Shadeway Road which is near the parolee's residence.

While parked there, they observed Subject [redacted] and his friend [redacted] walking east on Fairman Street from Shadeway Road, toward them. The deputies saw that both [redacted] and [redacted] were armed with handguns in their waistbands. The deputies exited their car and ordered the two to raise their hands. [redacted] complied. [redacted] however reached for his gun and removed it from his waistband. In fear for his and Deputy Fleischmann's life, Deputy Vernola fired one shot from his duty weapon, striking [redacted] in the leg. [redacted] dropped the gun and both individuals were detained. Recovered from the scene were two replica 9mm pistols and a replica 45 caliber pistol.

Paramedics arrived and transported SJ/[redacted] to Lakewood Regional Medical Center, where he was treated for a through and through gunshot wound to the outer portion of his right thigh. SJ/[redacted] was subsequently released from Lakewood Regional Medical Center and transported to Lakewood Sheriff Station to be interviewed. After being interviewed by Sheriff Department investigators, both subjects were released to their parents.

On February 22, 2005, The Los Angeles County District Attorney's Office Justice System Integrity Division completed its investigation into the non-fatal shooting of [redacted], which occurred on February 28, 2004. Deputy District Attorney Margo Baxter concluded that Deputy Thomas Vernola acted reasonably and in lawful self defense.

Factual Analysis:

Location of the Shooting:

The location of this incident is the sidewalk in front of [redacted] Fairman Street, a one-story, single-family residence located on the [redacted] in the city of Lakewood. This area generally consists of one and two-story, single-family dwellings. The location is [redacted] The front of the residence located at [redacted] Fairman Street faces south toward Fairman Street. The front door of the residence is situated slightly left of the center line of the residence. There is a large living room window that faces onto Fairman Street. (Refer to **Exhibit B** for additional information)

Involved Personnel:

Deputy Vernola, Thomas # [redacted]

01-97 to Present Lakewood Station, Field Operations Region III

[redacted]

Prior Shooting Incidents: [redacted]

Prior Founded Force Incidents: [redacted]

Date Employee Last Qualified: [redacted]

Date Last Trained with Weapon: [redacted]

(Fired one round of Department issued 9mm ammunition from a Department issued Beretta, Model 92F, 9mm, serial number D27044Z, semiautomatic pistol)

Subjects:

SJ #1 [redacted] **MW/14,** [redacted]

SJ #2 [redacted] **MW/14,** [redacted]

Injuries:

Paramedics arrived and transported SJ/[redacted] to Lakewood Regional Medical Center, where he was treated for a through and through gunshot wound to the outer portion of his right thigh. Subject [redacted] was provided a pair of crutches and released to the custody of Lakewood Deputies.

Interviews:

The following is a summation of the interviews that were conducted by investigators from the Sheriff's Department Homicide Bureau. All interviews were recorded with copies stored at the Internal Affairs Bureau for safekeeping.

Deputy Vernola, On 02-28-04, at approximately 2345 hours, Investigators interviewed Deputy Thomas Vernola #[redacted] Deputy Vernola has been employed as a Deputy Sheriff since March of 1991. He has been assigned to Lakewood Sheriff's Station since 1997 and is currently assigned as a Special Assignment Officer for the city of Lakewood.

This evening, Deputy Vernola worked unit 132G along with his partner Deputy Joseph Fleischmann from 1600 to 2400 hours. Deputy Vernola was the driver of a marked Sheriff's vehicle. He was dressed in a green polo style shirt with Sheriff insignias, black pants and Sam Browne web gear.

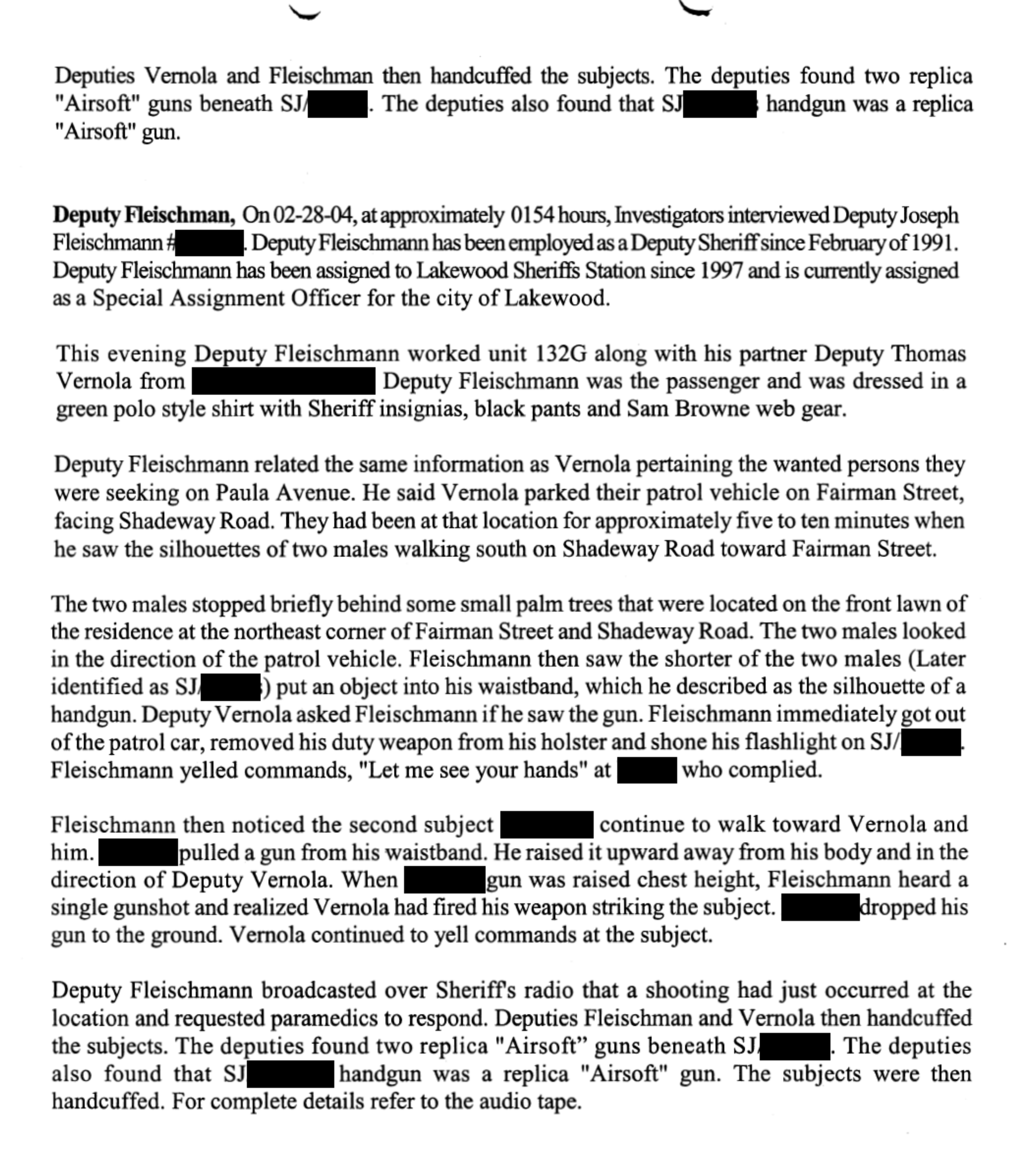
Deputy Vernola received information at the start of his shift regarding a "parolee at large" named [redacted] and his girlfriend, [redacted] who had outstanding narcotics violation warrants. Vernola learned that [redacted] and [redacted] lived at [redacted] in the city of Lakewood and would be returning to that location. [redacted] vehicle was not at that address, so Deputies Vernola and Fleischmann decided to take a position on Fairman Street, which is located one street north of Paula Avenue. Vernola parked his vehicle along the north curb of Fairman Street approximately twenty feet east of Shadeway Road. Vernola's vehicle was facing west.

> ***IAB Note:*** Deputy Vernola's vehicle was a Los Angeles County Sheriff's Department black and white patrol vehicle #SD2367, California License Plate **#1040047.** The rear bumper of this vehicle was located 63 feet 5 inches east of the east curb line of Shadeway Road. The front bumper of this vehicle was located 45 feet 7 inches east of the east curb line of Shadeway Road. This radio car was 1 foot 6 inches south of the north curb line of Fairman Street. The driver's side door of the vehicle was found in the open position.

Assisting unit 132G2, Deputy [redacted] parked his unmarked undercover vehicle on Paula Avenue, just east of Shadeway Road, facing east. Deputy [redacted] had a view of [redacted] residence and was going to inform Vernola if the suspects returned to the area.

While Deputy Vernola was parked on Fairman Street, his attention was drawn to two males that were walking south on Shadeway Road, approximately 15 feet north of Fairman Street. Vernola saw the male that was wearing a red shirt (later identified as SJ # 2 [redacted]) stuff a handgun into his waistband. Vernola immediately told his partner, Deputy Fleischmann, what he saw. He then exited his patrol car and drew his handgun.

The subjects had now turned the corner onto Fairman Street. Vernola yelled commands, "Let me see your hands," at SJ/[redacted] immediately complied. The second subject (later identified as SJ/[redacted]) began to raise his hands. He then lowered them to his waistband and retrieved a handgun. Vernola believing that he was going to be shot, fired one round striking [redacted] immediately dropped his gun to the ground. Vernola yelled commands at the subjects to turn away from him and get down on the ground. Both subjects complied. Deputy Fleischmann broadcasted over Sheriff's radio that a shooting had just occurred at the location and requested paramedics to respond.



Deputies Vernola and Fleischman then handcuffed the subjects. The deputies found two replica "Airsoft" guns beneath SJ/[redacted]. The deputies also found that SJ[redacted] handgun was a replica "Airsoft" gun.

Deputy Fleischman, On 02-28-04, at approximately 0154 hours, Investigators interviewed Deputy Joseph Fleischmann #[redacted]. Deputy Fleischmann has been employed as a Deputy Sheriff since February of 1991. Deputy Fleischmann has been assigned to Lakewood Sheriffs Station since 1997 and is currently assigned as a Special Assignment Officer for the city of Lakewood.

This evening Deputy Fleischmann worked unit 132G along with his partner Deputy Thomas Vernola from [redacted] Deputy Fleischmann was the passenger and was dressed in a green polo style shirt with Sheriff insignias, black pants and Sam Browne web gear.

Deputy Fleischmann related the same information as Vernola pertaining the wanted persons they were seeking on Paula Avenue. He said Vernola parked their patrol vehicle on Fairman Street, facing Shadeway Road. They had been at that location for approximately five to ten minutes when he saw the silhouettes of two males walking south on Shadeway Road toward Fairman Street.

The two males stopped briefly behind some small palm trees that were located on the front lawn of the residence at the northeast corner of Fairman Street and Shadeway Road. The two males looked in the direction of the patrol vehicle. Fleischmann then saw the shorter of the two males (Later identified as SJ/[redacted]) put an object into his waistband, which he described as the silhouette of a handgun. Deputy Vernola asked Fleischmann if he saw the gun. Fleischmann immediately got out of the patrol car, removed his duty weapon from his holster and shone his flashlight on SJ/[redacted]. Fleischmann yelled commands, "Let me see your hands" at [redacted] who complied.

Fleischmann then noticed the second subject [redacted] continue to walk toward Vernola and him. [redacted] pulled a gun from his waistband. He raised it upward away from his body and in the direction of Deputy Vernola. When [redacted] gun was raised chest height, Fleischmann heard a single gunshot and realized Vernola had fired his weapon striking the subject. [redacted] dropped his gun to the ground. Vernola continued to yell commands at the subject.

Deputy Fleischmann broadcasted over Sheriff's radio that a shooting had just occurred at the location and requested paramedics to respond. Deputies Fleischman and Vernola then handcuffed the subjects. The deputies found two replica "Airsoft" guns beneath SJ/[redacted]. The deputies also found that SJ[redacted] handgun was a replica "Airsoft" gun. The subjects were then handcuffed. For complete details refer to the audio tape.

SJ [redacted]

On 02/29/04, at 0050 hours, Investigators Fournier and Tomlin interviewed Subject [redacted] at the Lakewood Sheriff's Station. Prior to the start of the interview, [redacted] was asked how he was feeling and if the doctor had told him the extent of his injuries. [redacted] said he felt fine and that the doctor told him that the bullet went through the muscle of his thigh. The doctor told [redacted] that he could resume playing baseball in six weeks. The interview was audio tape recorded. Below is a summary of the interview:

[redacted] was read his Miranda rights. He said he understood his rights and waived them. [redacted] said he and his friend [redacted] were walking from [redacted] house. They were going to [redacted] house to shoot their air guns in his backyard. They were walking south on Shadeway Road, toward Fairman Street. [redacted] said [redacted] had two black air guns and he had one "clear" handgun. [redacted] was carrying his gun in his right hand, while they were walking on the left (east) side of the street. He did not remember if [redacted] was carrying his guns in his hands or waistband. Just prior to reaching Fairman Street, [redacted] saw a Sheriff's patrol car parked on the north side of Fairman Street, facing west. [redacted] could not tell if there were anyone inside of the patrol car.

Realizing that he had his gun in his hand and not wanting to get stopped by the police, he hid behind three trees that were in the front yard of the corner house. He then placed the gun in his waistband in an attempt to conceal it. They then turned the comer and began to walk on Fairman Street. Approximately five seconds later, deputies got out of their car. The deputies began yelling "Raise your hands in the air." [redacted] said he initially started raising his hands. He then dropped them to his waistband and grabbed his gun. As he raised the gun to his chest, he began yelling "It's not real. It's not real!" Simultaneously, the deputy on the driver's side of the patrol car shot once.

[redacted] took a couple of steps forward, then fell to the ground. He said his gun fell about 10 feet away from him. [redacted] who was already on the ground, was crying and asking him why he didn't put his hands in the air like the deputies requested. The deputies rushed over to [redacted] He told them that the gun he had was fake. The deputies began yelling at him and asking why was he carrying a fake gun.

[redacted] said he apologized to the deputies about the incident, because he knew that he should not have been carrying the gun at night, " as it looked, too much like a real gun in the dark." [redacted] repeated that when he took the gun out of his waistband, it was his intention to show the deputies that it was a fake.

[redacted] said his grandmother gave him the gun 1½ years ago, but that his parents had taken it away from him, because he accidentally shot his, brother. He said they recently gave it back to him. Investigators noted that [redacted] appeared to be lucid during the entire interview. The interview was concluded. Immediately after the interview ended, [redacted] was released to his parents. For complete details of the interview, refer to the audio tape.

SJ #[redacted] MW/14,[redacted]
At 0120 hours, Investigators interviewed [redacted] lives at [redacted] with his parents [redacted]

Investigators noted that [redacted] was dressed in a red nylon athletic long sleeve shirt covered by a white T-shirt and red sweat pants. [redacted] said earlier that evening, he was at [redacted] house with [redacted] watching 'Tombstone"on television. The two decided to play "air soft," so they walked to [redacted] house to get his guns. [redacted] said he owns two black air soft handguns that shoot plastic BB's. [redacted] said his parents gave him both air soft guns within the last six weeks. He said the guns "look real" but have orange tips. He added that one of the guns did not have an orange tip as he dropped the gun two weeks ago, breaking it off.

As they were walking to [redacted] house, [redacted] had his guns in his waistband and was carrying a container of BB's in his right hand. He covered up his guns with his T-shirt, so that people would not see them and think they were real. [redacted] was carrying his gun in his hand. [redacted] and [redacted] were walking on the left side of Fairman Street approaching Shadeway Road. As they turned the corner, they saw a police car. As they passed the corner house [redacted] saw a deputy get out of the car and yell, "Get down on the ground!" He then saw a laser site on his chest. He immediately followed the deputy's command and prone himself out on the ground.
He said his guns came out of his waistband when he went to the ground.

[redacted] however, was still standing. [redacted] told [redacted] to get down on the ground. [redacted] thinks [redacted] "panicked or something" because he reached in his waistband and raised his gun. [redacted] heard a gunshot and [redacted] fell to the ground next to him. [redacted] said he asked [redacted] "Why didn't you just drop to the ground?" The deputies came up and handcuffed them. The deputies asked [redacted] if he had been shot and why he pointed the gun at them. [redacted] responded that he did not know why. For complete details, refer to the audio tape.

Non Employee Witness:

On 2-28-04, at approximately 2345 hours, Investigators Fournier and Tomlin spoke briefly to the parents of [redacted] and [redacted] in the lobby of the Lakewood Sheriff's Station. The conversation was audio tape recorded. Below is a summary:

Investigator Fournier explained the circumstances surrounding the shooting. The [redacted] were aware that he owned an air gun and said that [redacted] grandmother had purchased it for him. Ms. [redacted] said that she had spoken to her son about what happened. [redacted] told her that he heard, "Put your hands on your head" and "Put the gun down" prior to being shot. Mrs. [redacted] said the bullet fired by the deputy caused little damage, but that [redacted] was given medication for the pain by hospital personnel. She said that he was brought to the Sheriff's station on crutches.

Mr. [redacted] said that he had purchased his son's guns from a "Big 5" sporting goods store. Mrs. [redacted] added that she knew one of the gun's orange tip had fallen off of the barrel. Investigator Fournier explained that we would be interviewing [redacted] and [redacted] prior to releasing them. For complete details of the conversation, refer to the audio tape.

Lighting Conditions:

Upon the arrival of investigators at the location, they observed several streetlights in the area that were illuminated. Investigators observed one illuminated streetlight on the west curb line of Shadeway Road at the "T" intersection of Shadeway Road and Fairman Street. This light is in front of [redacted] Shadeway Road and is adjacent to the south property line of that residence.

A second functioning streetlight was observed on the east sidewalk, on the west side of the property located at [redacted] Fairman Street. This streetlight is located on Shadeway Road south of Fairman Street. The light was adjacent to the driveway which leads to a detached two-car garage, from Shadeway Road.

Investigators observed a third functioning streetlight just east of where this incident occurred, on the north curb and in front of [redacted] The light was between the east edge of the driveway and the east property line of [redacted] Investigators also observed light coming from the porch light, as well as light emanating from the south facing windows from 6903 Fairman Street.

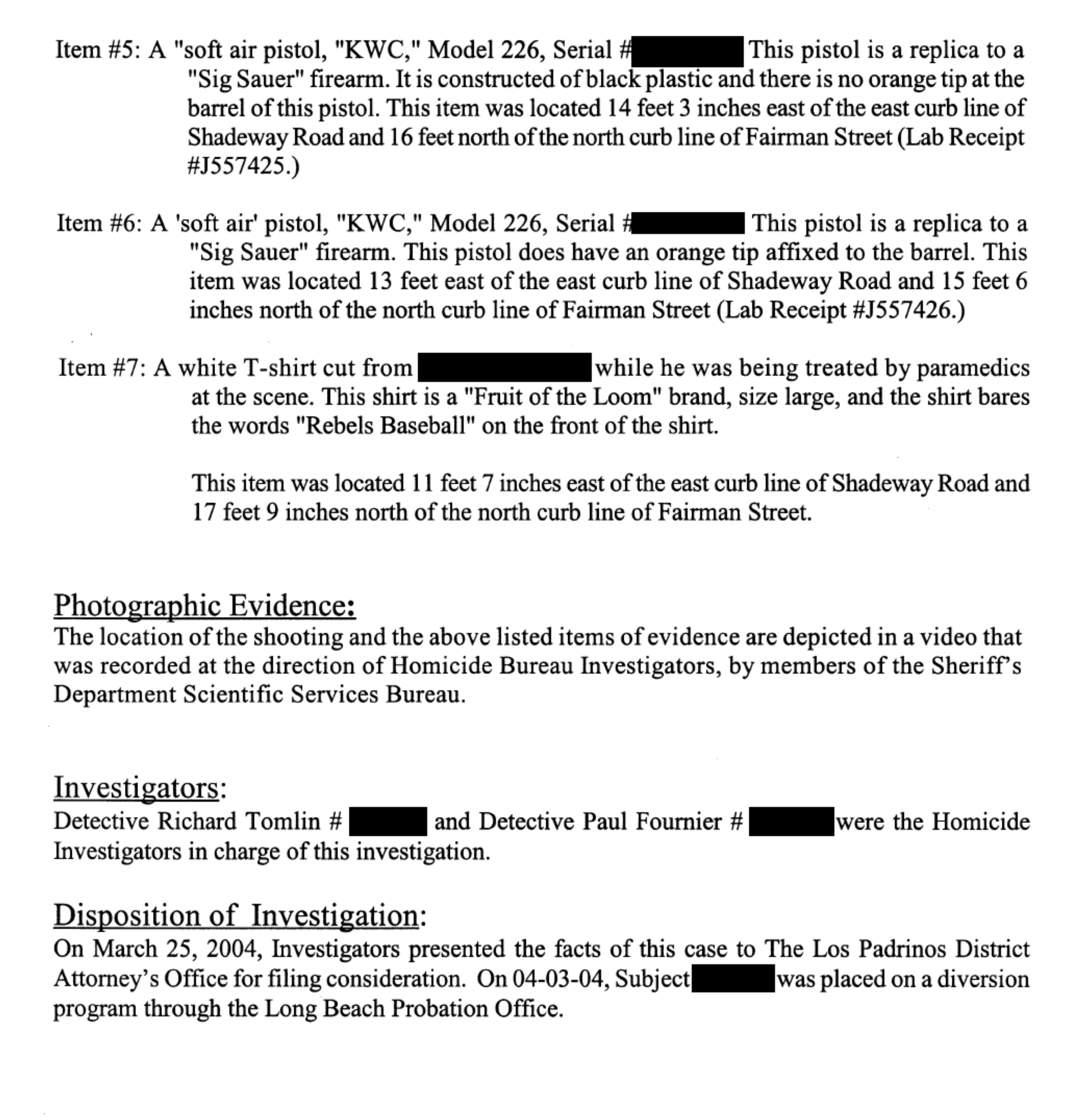
EVIDENCE HELD:

Item #1: An expended 9mm shell casing, "WIN" Luger, recovered from the westbound lane of Fairman Street, 3 feet south of the left front tire of Sheriff's Department Patrol Vehicle #SD2376. This item was located 49 feet 2 inches east of the east curb line of Shadeway Road and 9 feet 10 inches south of the north curb line of Fairman Street (Lab Receipt #J557427.)

Item #2: A clear plastic bottle, "Gatorade," with an orange plastic top. The outer label from the bottle had been removed and placed inside of the bottle. This item was located 5 feet north of the north curb line of Fairman Street and 28 feet 7 inches east of the east curb line of Shadeway Road (Lab Receipt #J382341.)

Item #3: A "soft air" pistol, which is a replica firearm to an Israeli Desert Eagle .44 caliber semiautomatic pistol. This pistol is constructed of clear plastic with a black plastic grip. On the side of what would be the slide area of this pistol are the words "Israeli Military Industries, 6mm pellet." There is no orange tip at the barrel of this pistol. This item was located 22 feet 8 inches east of the east curb line of Shadeway Road and 6 feet 6 inches north of the north curb line of Fairman Street (Lab Receipt #J557423.)

Item #4: A container of soft air plastic BBs, containing both yellow and green 6mm caliber BB's. The container is labeled with the "Crossman" brand, and has a red plastic twist top on the container. Affixed to the container is a "Big 5 Sporting Goods" price tag indicating the cost of the item, $18.99. This item was located 23 feet east of the east curb line of Shadeway Road and 9 feet 3 inches north of the north curb line of Fairman Street, (Lab Receipt #J557424.)



Item #5: A "soft air pistol, "KWC," Model 226, Serial #[redacted] This pistol is a replica to a "Sig Sauer" firearm. It is constructed of black plastic and there is no orange tip at the barrel of this pistol. This item was located 14 feet 3 inches east of the east curb line of Shadeway Road and 16 feet north of the north curb line of Fairman Street (Lab Receipt #J557425.)

Item #6: A 'soft air' pistol, "KWC," Model 226, Serial #[redacted] This pistol is a replica to a "Sig Sauer" firearm. This pistol does have an orange tip affixed to the barrel. This item was located 13 feet east of the east curb line of Shadeway Road and 15 feet 6 inches north of the north curb line of Fairman Street (Lab Receipt #J557426.)

Item #7: A white T-shirt cut from [redacted] while he was being treated by paramedics at the scene. This shirt is a "Fruit of the Loom" brand, size large, and the shirt bares the words "Rebels Baseball" on the front of the shirt.

This item was located 11 feet 7 inches east of the east curb line of Shadeway Road and 17 feet 9 inches north of the north curb line of Fairman Street.

Photographic Evidence:

The location of the shooting and the above listed items of evidence are depicted in a video that was recorded at the direction of Homicide Bureau Investigators, by members of the Sheriff's Department Scientific Services Bureau.

Investigators:

Detective Richard Tomlin # [redacted] and Detective Paul Fournier # [redacted] were the Homicide Investigators in charge of this investigation.

Disposition of Investigation:

On March 25, 2004, Investigators presented the facts of this case to The Los Padrinos District Attorney's Office for filing consideration. On 04-03-04, Subject [redacted] was placed on a diversion program through the Long Beach Probation Office.